arbitrary or unreasonable for the State, instead of imposing upon the particular employer entire responsibility for losses occurring in his own plant or work, to impose the burden upon the industry through a system of occupation taxes limited to the actual losses occurring in the respective classes of occupation."

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAW.—A California statute providing that persons may not practice drugless healing unless holding a "drugless practioner certificate" obtainable only upon completion of a prescribed course of study and after an examination contained an exemption in favor of persons treating the sick by prayer. *Held,* that the exemption does not render the statute invalid as denying the equal protection of the laws guaranteed by the Fourteenth Amendment, to one who does not employ prayer in his treatment of disease, but does use faith, hope, the process of mental suggestion and mental adaptation, a form of treatment in which skill enhanced by practice is to be exercised. *Crane* v. *Johnson,* 37 Sup. Ct. 176; *McNaughton* v. *Johnson,* 37 Sup. Ct. 178.

It is fundamental that the police power of the state particularly extends to regulating trades and callings concerning public health, and practitioners of medicine are properly subject to police regulation, the details of which are primarily with the legislature, and are not to be interferred with by the Federal courts so long as constitutional rights are not violated. *Dent* v. *West Virginia,* 128 U. S. 114, 9 Sup. Ct. 231, 32 L. Ed. 623. *Ex parte Ira W. Collins,* 57 Tex. Cr. R. 2, 121 S. W. 501, upholds a statute which requires all who practice medicine to be licensed, and defines medicine as meaning "the art of healing by whatever scientific or supposedly scientific method may be used." Under this classification, osteopaths were required to be licensed. In affirming the case the Federal Supreme Court stated, "We are not called upon to speculate upon other cases, or to decide whether the followers of Christian Science or other people might in some event have cause to complain." *Collins* v. *Texas,* 223 U. S. 288, 32 Sup. Ct. 286, 56 L. Ed. 439. It has also been held that a classification based upon whether or not the medical practitioner receives compensation is a valid method of determining who should be required to be licensed. *Watson* v. *Maryland,* 218 U. S. 173, 30 Sup. Ct. 644, 54 L. Ed. 987; *Arnold* v. *Schmidt,* 155 Wis. 55, 143 N. W. 1055. In *Commonwealth* v. *Zimmerman,* 221 Mass. 184, 108 N. E. 893, it was held that a chiropractor was a practitioner of medicine within the statute requiring practitioners of medicine to be licensed; and that the statute did not deprive him of the equal protection of the laws because those practicing Christian Science and mind cures were exempted. It will be observed that in the last quoted case the practitioners of Christian Science and also those who, though not Christian Science practitioners, effected their cures through mental suggestion, were exempted from the operation of the statute. In the instant case, a classification which differentiated between the two was upheld, those who practiced drugless healing without prayer were required to complete a prescribed course of study before being allowed to practice while no such requirement was made as to those who practiced through the

use of prayer. The court was of the opinion that the petitioner himself admitted that his science was one in which skill is to be exercised, and the skill with which he might pursue his calling would be enhanced by practice, therefore it was reasonable that he be required to complete a professional course before being allowed to practice, while, the cure of disease by prayer being entirely a religious practice, it is not to be presumed that the efficacy of the practitioner's methods are benefited by any preparatory course. It must also be considered that one who assails a classification as a violation of the equal-protection clause of the constitution must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary. *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U. S. 61, 31 Sup. Ct. 337, 55 L. Ed. 369. See also comment on *Fealey* v. *Birmingham* (Ala. 1916), 73 So. 296, in 15 MICH. L. REV. 440.

CORPORATIONS—LIABILITY FOR ASSAULT BY SERVANT.—Defendant's agent, who was what is known as "cut-off man," had been expressly instructed not to enter a house in case entry was objected to; he forced an entry into plaintiff's apartment, on failure of plaintiff to pay arrears for lighting service, and personally assaulted the plaintiff. Below, the defendant's demurrer was sustained, apparently on the ground that since the acts complained of were contrary to express instructions, the assault, if any, was committed while the agent was acting beyond the scope of his employment. *Held,* such instructions would not necessarily relieve the defendant of liability for the assault, if in fact the agent committed the assault in the course of the prosecution of the business intrusted to him by the defendant. *Herrman* v. *New York Edison Co.*, 162 N. Y. Supp. 145.

It was maintained in a few early cases that since a corporation can do only the lawful things contemplated by the state in the bestowal of its charter, any wrongful act of an officer or agent is necessarily outside the field of its legal power. *Ill. Cent. R. Co.* v. *Read*, 37 Ill. 484, 87 Am. Dec. 260. It is well settled now, however, that a corporation is liable for the wrongful acts or omissions of its officers or agents acting within the scope of their authority, although in doing the act, the agent may have disobeyed instructions. *Pittsburgh & R. Co.* v. *Sullivan,* 141 Ind. 83, 40 N. E. 138. And this, even though the act be done wantonly and recklessly. *Moore* v. *Ry.*, 26 Okl. 682, 110 Pac. 1059. It is interesting to note that several states refuse to accept this principle as applied to the agent's false or slanderous statements, holding that even where the words are spoken in the course of the employment, and for the benefit of the corporation, the latter is not liable unless it had expressly authorized the agent to speak the words in question, or had subsequently ratified them. *Behre* v. *National Cash Register Co.*, 100 Ga. 213, 27 S. E. 986. In *Lindsey* v. *St. Louis etc. R. Co.*, 95 Ark. 534, 129 S. W. 807, the court offers a reason for this distinction, saying that slander is the individual act of him who utters it, and the utterance of a slander by an agent of a corporation must be ascribed to the personal malice of the agent. But why this distinction between a slander and an assault made contrary to express instructions? It would seem that the better view